

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT												
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL												
CONVEYING PARTY DATA													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Name</th> <th style="width: 30%;">Formerly</th> <th style="width: 20%;">Execution Date</th> <th style="width: 20%;">Entity Type</th> </tr> <tr> <td>Edmont P. D'Ascoli, Trustee of the Edmont P. D'Ascoli Revocable Living Trust Dated May 24, 1996</td> <td></td> <td>11/30/2009</td> <td>TRUST: HAWAII</td> </tr> </table>	Name	Formerly	Execution Date	Entity Type	Edmont P. D'Ascoli, Trustee of the Edmont P. D'Ascoli Revocable Living Trust Dated May 24, 1996		11/30/2009	TRUST: HAWAII					
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RECEIVING PARTY DATA													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Name:</td> <td>Seal Trademarks Pty Ltd</td> </tr> <tr> <td>Street Address:</td> <td>1 Billabong Place</td> </tr> <tr> <td>City:</td> <td>Burleigh Heads, Queensland</td> </tr> <tr> <td>State/Country:</td> <td>AUSTRALIA</td> </tr> <tr> <td>Postal Code:</td> <td>4220</td> </tr> <tr> <td>Entity Type:</td> <td>CORPORATION: AUSTRALIA</td> </tr> </table>	Name:	Seal Trademarks Pty Ltd	Street Address:	1 Billabong Place	City:	Burleigh Heads, Queensland	State/Country:	AUSTRALIA	Postal Code:	4220	Entity Type:	CORPORATION: AUSTRALIA	
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PROPERTY NUMBERS Total: 1													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Property Type</th> <th style="width: 20%;">Number</th> <th style="width: 60%;">Word Mark</th> </tr> <tr> <td>Serial Number:</td> <td>76644006</td> <td>XCEL</td> </tr> </table>	Property Type	Number	Word Mark	Serial Number:	76644006	XCEL							
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Serial Number:	76644006	XCEL											
CORRESPONDENCE DATA													
<p>Fax Number: (808)540-5049 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i></p> <p>Phone: 8085443835</p> <p>Email: mhsia@cades.com, gsenda@cades.com, mjohnson@cades.com</p> <p>Correspondent Name: Martin E. Hsia, 32,471</p> <p>Address Line 1: 1000 Bishop Street</p> <p>Address Line 2: 12th Floor</p> <p>Address Line 4: Honolulu, HAWAII 96813</p>													
DOMESTIC REPRESENTATIVE													
<p>Name: Martin E. Hsia, 32,471</p> <p>Address Line 1: 1000 Bishop Street</p>													

OP \$40.00 76644006

900149226

TRADEMARK
REEL: 004108 FRAME: 0672

Address Line 2: 12th Floor
Address Line 4: Honolulu, HAWAII 96813

NAME OF SUBMITTER:	Martin E. Hsia 32,471
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Signature:	/Martin E. Hsia/
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Date:	12/04/2009
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Total Attachments: 1 source=Assignment 76644006#page1.tif
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ASSIGNMENT OF TRADEMARK


WHEREAS, **EDMONT P. D'ASCOLI, Trustee of the EDMONT P. D'ASCOLI REVOCABLE LIVING TRUST DATED MAY 24, 1996**, having a principal place of business at 66-590 Kamehameha Highway, Haleiwa, Hawaii 96712 (the "Assignor"), has adopted and is using in his business the mark "XCEL" (the "Mark") and has acquired goodwill associated with and symbolized by the Mark, and is the owner of Federal Trademark Application Serial No. 76/644006, filed August 1, 2005, for "Light beverages, namely energy drinks", in International Class 32 (the "Application"), for the Mark, and has not abandoned the same; and

WHEREAS, **SEAL TRADEMARKS PTY LTD**, an Australia corporation, having a principal place of business at 1 Billabong Place, Burleigh Heads, Queensland 4220, Australia (the "Assignee"), is desirous of acquiring all of the Assignor's right, title and interest in and to the Mark and the Application, together with the goodwill of the business associated with and symbolized by the Mark, and the Assignor's interest in all agreements relating to the Mark;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby assigns to the Assignee all right, title and interest in and to the Mark, together with the goodwill of the business associated with and symbolized by the Mark, and the Application, and the right to sue for past infringement, if any there may be, together with all the Assignor's interest in all coexistence agreements, consent agreements, licenses, restrictive covenants and other agreements relating to the Mark.

The Assignor, for himself and his heirs, personal representatives, successors in trust and assigns, hereby represents and warrants to the Assignee, its successors and assigns: that the Assignor is the owner of the Mark and the Application; that the Assignor has good right to sell and assign the same as herein set forth; that the Assignor has not previously assigned, licensed, or encumbered the Mark or the Application except to the Assignee; that the Assignor has not filed any applications for, or obtained registrations for, the Mark, or any domain name including the Mark, anywhere in the world, except for the Application and other applications and registrations that have been assigned to the Assignee or abandoned; and that the Assignor will WARRANT AND DEFEND the same unto the Assignee against the lawful claims and demands of all persons.

IN WITNESS WHEREOF the Assignor has executed this Assignment as of the 30th day of November, 20 09.


EDMONT P. D'ASCOLI, TRUSTEE OF THE
EDMONT P. D'ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996